

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIAHenry F. Worthington Jr.
PLAINTIFFCIVIL ACTION
FILED JURY TRIAL DEMAND

SEP 05 2014

V.

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

NORTHAMPTON COUNTY, et al.

NORTHAMPTON COUNTY PRISON, et al;

PRIME CARE MEDICAL EMPLOYEES, ETAL

IN INDIVIDUAL AND OFFICIAL Capacity

SUMMONS/COMPLAINT
AMENDED

No: 13-6292

PLAINTIFF'S SECOND
AMENDED COMPLAINT

Now Comes Plaintiff And forwards This Amended Complaint AS ~~ordered~~ Ordered BY The US. District Court, EASTERN DISTRICT OF PENNSYLVANIA on or After May 28, 2014 BY WAY OF Teleconference and Presents the following in support thereof.

1. On January 21, 2014 The Honorable Timothy Savage ordered Plaintiff to file an amended Complaint no later than February 21, 2014.

2. On February 17, 2014 Plaintiff filed with the U.S. District Court an amended Complaint, withdrawing some defendants and adding PRIME CARE MEDICAL as a Defendant. Plaintiff served Prime Care medical at the Northampton county Prison, as Petitioner only had that address for defendant.

PROVIDED TO FRANKLIN CI
FOR MAILING ON

8/28/14

INMATE INITIALS

3. Defendants had Complaint in their possession on February 25, 2014.

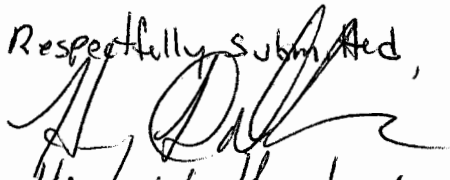
4. AT Teleconference In May 2014 This Court ordered Plaintiff to amend Complaint and have it Served on/In This Court and on defendants no later than September 01 2014.

5. On August 26, 2014 Plaintiff received information (enclosed) that Prime Care medical did receive the Complaint on February 25, 2014 at the Northampton County Prison, and an employee faxed it on that date to Sandra Ulerick, CCAP, at Prime Care Headquarters.

Wherefore this Plaintiff avers that he has served the newly added Defendants and has enclosed within the original amended Complaint along with Proof that defendant was served.

Plaintiff respectfully requests this Honorable Court to direct the Prothonotary to issue and Certify/seal the enclosed Summons for Prime Care medical, c/o Johnson, Duffie, Stewart and Wedder, P.C., 301 Market Street Le Moyne, PA 17043-0109 and return it to Plaintiff so that Plaintiff can serve it on defendants.

August 28, 2014

Respectfully Submitted,

Henry Washington Jr.
Pro Se Plaintiff.

Proof of Service

FILED

SEP 05 2014

And Now Comes The Plaintiff and Avers that he ^{MICHAEL E. KUNZ, Clerk}
an original and copy of The Amended Complaint on the below ^{By: s. [Signature] Dep. Clerk}
Listed by U.S. Mail First Class by delivering it to the mail
room personnel at The Franklin ~~Co~~ Correctional facility for
mailing on the below listed date.

1 original to:

Prothonotary
US District Court
Civil Division
601 Market Street
Philadelphia PA 19106-1797

copy to:

Prime Care Medical
c/o Mr. John R. Ninosky
Attorney At Law
301 Market St.
P.O. Box 189
Lemoyne, PA 17043-0109

Copy to:

Mr. Gerard Geiger
Attorney At Law
Newman/Williams
P.O. Box 511
712 Monroe Street
Stroudsburg, PA 18360-0511

August 28, 2014

By [Signature]

Henry Warrington Jr.
FCI B11385
1760 Hwy 67 N
Carrabelle, Fla. 32322

TRANSMISSION VERIFICATION REPORT

TIME : 02/25/2014 01:30
 NAME :
 FAX : 6109234398
 TEL : 6109234395
 SER.# : 000E1N853425

DATE, TIME
 FAX NO. /NAME
 DURATION
 PAGE(S)
 RESULT
 MODE

02/25 01:27
 917176511857
 00:03:16
 13
 OK
 STANDARD
 ECM

Northampton County Prison
 666 Walnut Street
 Easton, PA 18042
 Phone: (610) 923-4395
 (610) 923-4398 Fax

PrimeCare Medical, Inc. +

The Choice for Quality Contract Services

Fax

TO: S. Ulrich FROM: Debbie

DEPT/COMPANY: _____ DEPT: _____

FAX: 717-651-1857 PAGES: 13

RE: Worthington, Henry DATE: 2-25-14

Urgent For Review Please Reply Please Process

COMMENTS:

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HENRY F. WORTHINGTON JR.
PLAINTIFF

CIVIL ACTION
JURY TRIAL DEMAND

V.
NORTHAMPTON COUNTY, et al,
NORTHAMPTON COUNTY PRISON, et al
PRIME CARE MEDICAL, et al
IN individual and official capacity

SUMMONS
NO- 13-6292

TO THE ABOVE NAMED DEFENDANTS:

You are hereby summoned and required to serve
upon the Plaintiff, whose address is 1760 HWY 67 W. Carrabelle FL
32322 an answer to the Complaint which is herewith served
upon you, within 30 days after service of this ~~complaint~~ ^{complaint}
upon you, exclusive of the day of service, or 60 days if the
U.S. Government, or officer/agent thereof is a defendant. If you
fail to do so, judgment by default will be taken against you for the
relief demanded in the Complaint.

Clerk of Court

Date:

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

HENRY F. WORTHINGTON JR.,
PLAINTIFF

V.
NORTHAMPTON COUNTY, et al
NORTHAMPTON COUNTY PRISON, et al
PRIME CARE MEDICAL, et al
IN individual and official capacity

CIVIL ACTION
JURY TRIAL DEMAND

S NO 13-6292

MOTION FOR APPOINTMENT
OF COUNSEL

Pursuant to 28 U.S.C. § 1915 (e)(1) Plaintiff Moves for an order appointing Counsel to represent him in this case. In support of this Motion Plaintiff States:

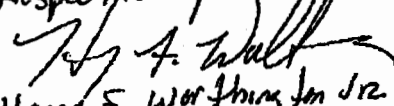
1. Plaintiff is unable to afford counsel. Plaintiff has been granted leave to Proceed Inferme pauperis.
2. Plaintiff's imprisonment will greatly limit his ability to litigate. The issues involved in this case are complex, and will require quite significant research and investigation. Plaintiff has limited access to the law library and limited knowledge of the law.
3. Plaintiff is unable to be present at any depositions that may be required, a trial in this case will likely involve conflicting testimony, and Counsel would better enable Plaintiff to present any evidence and cross examine witnesses.

4. Plaintiff has previously Motioned this court for counsel, but Motion was denied due to having initial Complaint dismissed. This Honorable court has granted Plaintiff's Motion to Amend His Complaint and Furthermore is now in need of Counsel to see that His Constitution Rights Presented throughout the Amended Complaint are asserted properly and Protected.

5. Plaintiff states that that he meets and qualifies for Counsel Pursuant to *Montgomery v. Pinchak* 294 F.2d 492, 499 (3rd Cir. 2009)

Wherefore, Plaintiff respectfully request this Honorable court to appoint Counsel to represent Plaintiff

Respectfully Submitted,


Henry F. Worthington Jr.
Pro se Plaintiff

DATE: February 17, 2014

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

HENRY F. WORTHINGTON JR.
PLAINTIFF

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NORTHAMPTON COUNTY, et al
NORTHAMPTON COUNTY PRISON, et al
PRIME CARE MEDICAL ET AL
In Individual and official Capacity

PLAINTIFF'S FIRST REQUEST
FOR PRODUCTION OF
DOCUMENTS

NO. 13-6292

Pursuant to Rule 34 of the Federal Rules of Civil Procedure,
Plaintiff request that Defendants produce for inspection copies of
the following documents.

1. From Northampton County Clerk of Courts:
 - a. The Motion and order presented to the Honorable court
To transfer plaintiff back to The Florida Department of Corrections.
2. From Northampton County Prison:
 - a. Copies of complaints within past 5 years against Prime Care
Medical and responses/resolutions to such.
3. From Prime Care Medical at Northampton County Prison:
 - a. Copies of documentation of all employees of Prime Care
Medical employed at Northampton County Prison by Prime Care
Medical during the period from March 13, 2013 to October 31,
2013, to include names, positions, licensing and professional
eligibility to be employed by Prime Care Medical.
 - b. A complete copy of Plaintiff's full medical chart/file
for the periods covering March 13, 2013 to ~~February~~ October
31, 2013 detailing all treatment provided to Plaintiff and by

Whom it was that provided said treatment.


Henry Worthington, Jr.

Date: February 17/2014

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HENRY F. WORTHINGTON JR.

V.
Northampton County et al,
NORTHAMPTON COUNTY PRISON,
PRIME CARE MEDICAL et al
IN INDIVIDUAL AND OFFICIAL CAPACITY.

CIVIL ACTION
JURY TRIAL DEMAND

NO. 13-6292

PETITIONER'S AMENDED
COMPLAINT

I. JURISDICTION AND VENUE

1. This is a Civil Action authorized by 42 U.S.C. § 1983 to Redress the deprivation, under Color of State law, of rights Secured by the Constitution of The United States. The Court has Jurisdiction under 28 U.S.C. § 1331 and 1443(a)(2), and Pursuant to This Courts order dated January 21, 2014, Filed January 21, 2014 and Entered BY The Clerk of Courts January 23, 2014.

2. THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA is the appropriate Venue under 28 USC § 1341(b)(2) because it is where the events giving Rise to this Claim occurred.

II Plaintiff

3. Plaintiff, Henry F. Worthington Sr. was at the the time the original Complaint was filed was a prisoner in the Custody of The Northampton County Prison, City of Easton, State of Pennsylvania. Now Plaintiff is IN The Custody of The STATE OF Florida, Department of corrections.

8. Plaintiff was delivered to the Northampton County Prison on March 13, 2013 still in considerable pain from the above injuries. Plaintiff was given a brief Medical screening upon entry at which time Plaintiff gave full details of accident and bodily injuries and current levels of pain. Plaintiff was told that he would be placed on the Medical call out for further Attention. ~~He~~ Plaintiff waited a few days with no treatment and filed a medical sick call slip to have his complaints addressed.

9. Plaintiff was finally seen by a nurse and Physicians assistant (not provided with names) and was only prescribed naprosin for pain. After further complaining, Plaintiff was seen by the head of Medical (Amelia) (no last name provided) and her response was that "all persons of my age will experience pain and it is a part of growing old".

10. Plaintiff requested to be seen by specialist and/or a Licensed Doctor to address the constant continued pain and was once again seen by Amelia and was told that I had to file complaint and sue the County and District attorneys office because they were the ones that hired the transport company.

11. Plaintiff's Pain had/has not been relieved by the naprosin provided. Plaintiff continued to forward medical requests to Prime care medical for proper treatment from March 13, 2013 until October 30 2013, at which time Plaintiff was returned to the State of Florida Department of Corrections.

V. Exhaustion of Legal Remedies

12. Plaintiff was told by prime care medical employees that he cannot file any grievances against prime care medical because they did not cause his injuries, but needs to sue Northampton County. Once Plaintiff was returned to the state of Florida and received this court's opinion of November 18, 2013, Plaintiff sent letter of request to prime care medical for a formal grievance. Plaintiff received form and filed it to prime care medical but has not had any response to date.

VI. Legal Claims

13. Plaintiff ~~restate~~ reallege and incorporate by reference Paragraphs 1-12.

14. The defendants actions were actions under color of state law and can be sued under the color of state law doctrine and are sued here under the color of state law doctrine. See *Monroe v. Pape* 365 U.S. 167 (1961); Expanded in *Monell v. New York City Department of Social Services* 436 U.S. 658 (1978); *West v. Atkins* 487 U.S. 42 (1988).

15. Plaintiff alleges and sues defendants for violation of Plaintiff's Eighth amendment right to medical care. The United States Supreme Court stated "an inmate must rely on prison authorities to treat his medical needs; if the authorities fail to do so those needs will not be met" *Estelle v. Gamble* 429 US 97, 103 (1976)

16. Defendants showed deliberate indifference to my serious medical needs. Defendants knew about my serious medical needs and (2) failed to respond reasonably to them. (*Estelle v. Gamble*). The court has described a serious medical need as one that has been diagnosed by a physician

as mandating treatment or one that is so obvious that even a lay person would easily recognize the necessity for a doctor's attention. *Hill v. Dekalb Reg'l Health Youth Det. Cent.* 40 F.3d 1176, 1178 (8th Cir. 1994) Deliberate indifference has been found when a prison doctor fails to respond appropriately or does not respond at all to your serious medical needs. *Sprull v. Gillis* 372 F.3d 218 (3rd Cir. 2004).

17. Courts have agreed that a prisoner can show a serious medical need if the failure to treat a prisoner's condition could result in further significant injury or the ~~was~~ unnecessary and wanton infliction of pain. *Estelle* 429 U.S. 104

18. Prime Care medical employees directed plaintiff not to file Grievance against Prime Care medical. Plaintiff could not exhaust legal remedies because he was transferred back to Florida Department of Corrections and has no access to Administrative Policy or Grievance System of Northampton County Prison and/or Prime Care medical. Prisoners do not need to show that they have exhausted Grievance Process. *Jones v. Bock* 549 U.S. 199 (2007) Prime Care medical has treated Plaintiff different than other prisoners by denying medical care and precluding ~~that~~ Plaintiff from filing grievance. Prisoners cannot be treated differently. *Doc v. Sparks* 73 F. Supp. 227 (W.D. PA 1990)

19. The above actions by Prime Care medical have violated Plaintiff's Eighth amendment right to medical care, and if it proven, Plaintiff has asserted a claim upon which relief can and will be granted.

20. Plaintiff has no plain, adequate or complete remedy at law to redress the wrongs described herein. Plaintiff has been and will continue to be irreparably injured by the conduct of the defendants unless the Court grants the relief Plaintiff seeks.

VII. PRAYER FOR RELIEF

Wherefore, Plaintiff respectfully prays that this court enter judgement as follows:

21. Granting Plaintiff a declaration that the acts and omissions described herein violate his Constitutional rights and the laws of the United States.

22. Granting Plaintiff Compensatory damages for Pain and Suffering in an amount in excess of \$250,000 against each defendant, jointly and severally.


23. Punitive damages in an amount in excess of \$250,000 against each defendant jointly and severally.

24. Plaintiff also seeks Jury trial on all issues triable.

25. Plaintiff seeks recovery of all cost to Plaintiff.

February 17, 2014

Respectfully Submitted


Henry Washington Jr.

FCI # B11385

1760 Hwy 67 N.

Carabelle FL 32322

PROVIDED TO FRANKLIN C. *Ja*
FOR MAILING ON *12/14*

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
HENRY F. WORTHINGTON, JR.
INMATE INITIALS *HL*

CIVIL ACTION

v.

COUNTY OF NORTHAMPTON, et al.

NO. 13-6292

FILED JAN 21 2014

ORDER

AND NOW, this 21st day of January, 2014, upon consideration of the Motion to Alter or Amend the Judgment Pursuant to F.R. Civ. Proc. 59(e) (Document No. 11), which shall be treated as a motion for reconsideration, It is **ORDERED** that the motion is **GRANTED**.

IT IS FURTHER ORDERED that the plaintiff is granted leave to file an amended complaint no later than **February 21, 2014**.

Timothy J. Savage
TIMOTHY J. SAVAGE, J.

ENTERED
JAN 23 2014
CLERK OF COURT